

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MIGUEL ONGAY,

Defendant.

Cr.A. No. 06-CR-38-SLR

FILED

APR 20 2006

U.S. DISTRICT COURT
DISTRICT OF DELAWARE

MOTION FOR PRE-TRIAL RELEASE

COMES NOW, Defendant Miguel Ongay by and through his attorney, John S.

Malik, and respectfully requests that this Honorable Court grant Defendant Pre-Trial Release subject to conditions, based on the following grounds:

1. On or about April 4, 2006, Defendant Miguel Ongay was indicted in this Court on the following charges: Possession with Intent to Distribute Heroin in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C); Distribution of Heroin in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C); Possession of a Firearm in Furtherance of a Drug Trafficking Offense in violation of 18 U.S.C. § 924(c)(1)(A); and, Possession of Marijuana in violation of 21 U.S.C. § 844.

2. Defendant Ongay has been held in federal custody on the subject criminal charges since April 4, 2006.

3. On or about April 7, 2006, the government moved for pretrial detention of Defendant Ongay. The government asserted that Defendant Ongay had committed a drug offense that was punishable by in excess of ten years of incarceration pursuant to 18 U.S.C. § 3142(f)(1)(C); that Defendant Ongay was a risk of flight pursuant to 18 U.S.C. §

3142(f)(2)(A); and, that Defendant Ongay presented a danger to the safety of the community.

4. Defendant Ongay submits that there is sufficient evidence to establish that a combination of conditions will assure his appearance at subsequent court dates and ensure the safety of the community.

5. Specifically, Defendant Ongay requests that this Court consider:

a. That Defendant Ongay is a lifelong resident of the State of Delaware with substantial ties to his community, see 18 U.S.C. § 3142(g)(3)(A):

b. That Defendant Ongay would reside, if granted pretrial release, with his mother, Ms. Lydia Ongay, at her residence in Wilmington, Delaware, see 18 U.S.C. § 3142(g)(3)(A);

c. That Defendant has no prior serious criminal record, see 18 U.S.C. § 3142(g)(3)(A); and,

d. That Defendant's release would present no potential harm to the safety of the community into which he is released, see 18 U.S.C. § 3142(g)(4).

6. Defendant Ongay's mother is prepared to post the deed to her home as bond to assure Mr. Ongay's appearance at all future court dates.

7. Defendant Ongay asserts that there are numerous conditions that this Court may impose that will negate any risk of flight and ensure the safety of the community.

8. Specifically, Defendant Ongay offers the following as a non-exclusive list of conditions to which his pre-trial release may be subject:

a. That Defendant be subject to house arrest and be subject to electronic monitoring via an ankle bracelet, see 18 U.S.C. § 3142(c)(1)(B)(i);

b. That Defendant Ongay remain in the third party custody of his mother, Ms. Lydia Ongay, see 18 U.S.C. § 3142(c)(1)(B)(i);

c. That Defendant Ongay seek employment, see 18 U.S.C. § 3142(c)(1)(B)(ii);

d. That Defendant be required to report on a regular basis to the Office of Pre-trial Services of the United States Probation Office for the District of Delaware or the District of New Jersey, see 18 U.S.C. § 3142(c)(1)(B)(vi);

e. That Defendant only be permitted to leave his residence for meetings with his attorney, a Pre-trial Services Officer, or for seeking employment, see 18 U.S.C. § 3142(c)(1)(B)(iv);

f. That Defendant be required to comply with any curfew imposed by the Court, see 18 U.S.C. § 3142(c)(1)(B)(viii);

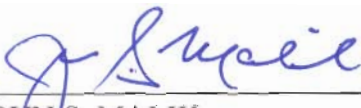
g. That Defendant Ongay refrain from use of alcohol and any controlled substance not prescribed by a licensed medical practitioner, see 18 U.S.C. § 3142(c)(1)(B)(ix);

h. That Defendant refrain from possessing any firearms or dangerous weapons, see 18 U.S.C. § 3142(c)(1)(B)(viii); and,

j. That Defendant be required to post secured bond in the amount of \$10,000.00 through the deed to his mother's home, see 18 U.S.C. § 3142(c)(1)(B)(xi).

10. Defendant Ongay submits that he would strictly follow and abide by any and all conditions that this Court may impose as a condition to his pre-trial release.

WHEREFORE, Defendant Ongay respectfully requests that this Honorable Court enter an Order granting his pre-trial release subject to the conditions listed above.



JOHN S. MALIK
100 East 14th Street
Wilmington, Delaware 19801
(302) 427-2247
Attorney for Defendant,
Miguel Ongay

Dated: April 20, 2006

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	Cr.A. No. 06-CR-38-SLR
	:	
MIGUEL ONGAY,	:	
	:	
Defendant.	:	

ORDER

AND NOW, TO WIT, this ____ day of April, A.D., 2006, Defendant Miguel Ongay's Motion for Pre-trial Release having been duly heard and considered,

IT IS SO ORDERED:

That Defendant Miguel Ongay is hereby placed on pre-trial release subject to the following conditions:

- a. That Defendant be subject to house arrest and be subject to electronic monitoring via an ankle bracelet;
- b. That Defendant be required to report on a regular basis to the Office of Pre-trial Services of the United States Probation Office for the District of Delaware in Wilmington;
- c. That Defendant only be permitted to leave his residence for meetings with his attorney, a Pre-trial Services Officer, or for employment purposes;
- d. That Defendant be required to post secured bond in the amount of \$10,000.00 through the posting of a deed to real property located in Delaware.

THE HONORABLE MARY PAT THYNGE

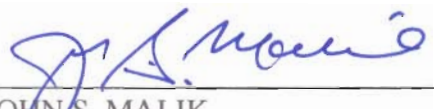
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	:	
MIGUEL ONGAY,	:	
	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I, John S. Malik, counsel for Defendant Miguel Ongay, hereby certify that on this 20th day of April, A.D., 2005, I have had two (2) copies of Defendant's Motion for Pre-trial Release electronically delivered to the following person at the following address:

Richard Andrews, Esquire
Assistant United States Attorney
United States Attorney's Office
Nemours Building
1007 Orange Street, Suite 700
Wilmington, Delaware 19801



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